

EXHIBIT 8

From: Brantley Pepperman
Sent: Monday, January 4, 2021 7:30 PM
To: Gringer, David
Cc: Stephen Swedlow; Mehta, Sonal; Holtzblatt, Ari; Jennings, Molly; Kevin Teruya; Adam Wolfson; Michelle Schmit; Ashley Keller; Warren Postman; Ben Whiting; Jason Ethridge
Subject: RE: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

David,

We disagree with both your stated bases for opposing our motion.

This motion is not a "surreply" because we are filing the motion to comply with our obligations under Local Rule 3-12—to file in the "lowest-numbered case" (which is Klein, not Reveal Chat) an administrative motion to relate the **cases** that are related to Klein (Kupcho, Dames, and Steinberg). The motion is not "premature" because we are required to file it "promptly" under Local Rule 3-12(b), and because it expressly leaves to the Judges which motion to decide first and provides Judge Koh with a full statement on the various cases, should Judge Koh wish to decide the motion first.

We intend to file the motion in all of the cases identified in the motion. Given the filings across the cases to date, we believe the Judges in those cases should be provided with notice of the motion, so they are fully informed and able to consider to the extent they deem appropriate and useful.

We will include this email exchange, including your position, in the materials that we file. Should you wish to respond to Plaintiffs' motion and note the reasons why, you are free to do so in accordance with Local Rules 3-12(e) and 7-11.

Brant

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From: Gringer, David [mailto:David.Gringer@wilmerhale.com]
Sent: Monday, January 4, 2021 5:11 PM
To: Brantley Pepperman <brantleypepperman@quinnemanuel.com>
Cc: Stephen Swedlow <stephenswedlow@quinnemanuel.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Jennings, Molly <Molly.Jennings@wilmerhale.com>; Kevin Teruya <kevinteruya@quinnemanuel.com>; Adam Wolfson <adamwolfson@quinnemanuel.com>; Michelle Schmit <michelleschmit@quinnemanuel.com>; Ashley Keller <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Ben Whiting <ben.whiting@kellerlenkner.com>; Jason Ethridge <jason.ethridge@kellerlenkner.com>
Subject: RE: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

[EXTERNAL EMAIL]

Brant,

Facebook opposes the motion. Please state Facebook's position as follows:

Facebook presently opposes the motion for two reasons: First, it is a thinly-veiled (and improper) second surreply to Facebook's motion to relate Klein to Reveal Chat et al v. Facebook, Inc., No. 5:20-cv-00363-BLF (Freeman, J.). Second, the motion and the relief sought is premature while Facebook's motions to relate the cases (and several others) are pending before Judge Freeman.

Separately, we assume and expect that this motion will only be filed on the dockets for Klein and the cases which it seeks to relate thereto and will not be filed on the dockets for what you label the "Reveal Chat group" of cases.

Sincerely,

David

David Gringer I WilmerHale

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From: Brantley Pepperman <brantleypepperman@quinnemanuel.com>

Sent: Monday, January 4, 2021 7:57 PM

To: Gringer, David <David.Gringer@wilmerhale.com>

Cc: stephenswedlow@quinnemanuel.com; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Jennings, Molly <Molly.Jennings@wilmerhale.com>; Kevin Teruya <kevinteruya@quinnemanuel.com>; Adam Wolfson <adamwolfson@quinnemanuel.com>; Michelle Schmit <michelleschmit@quinnemanuel.com>; Ashley Keller <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Ben Whiting <ben.whiting@kellerlenkner.com>; Jason Ethridge <jason.ethridge@kellerlenkner.com>

Subject: RE: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

EXTERNAL SENDER

David,

Can you please let us know of Facebook's position by 6:00 PM PST? We intend to file thereafter.

Thank you,

Brant

Brantley Pepperman

Associate

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From: Gringer, David [<mailto:David.Gringer@wilmerhale.com>]

Sent: Monday, January 4, 2021 3:01 PM

To: Brantley Pepperman <brantleypepperman@quinnemanuel.com>

Cc: Stephen Swedlow <stephenswedlow@quinnemanuel.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>;

Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Jennings, Molly <Molly.Jennings@wilmerhale.com>; Kevin Teruya

<kevinteruya@quinnemanuel.com>; Adam Wolfson <adamwolfson@quinnemanuel.com>; Michelle Schmit

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<jason.ethridge@kellerlenkner.com>

Subject: Re: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

[EXTERNAL EMAIL]

Brant,

We are evaluating now. Hope to be back to you in a few hours.

David Gringer | WilmerHale

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On Jan 4, 2021, at 2:50 PM, Brantley Pepperman <brantleypepperman@quinnemanuel.com> wrote:

EXTERNAL SENDER

David,

Drafts of the motion, supporting declaration, and proposed order we intend to file today are attached. We may also add an index of exhibits.

As you can see from the motion, the motion explicitly takes no position on which judge should decide which motion first.

When you can today, please let us know if you agree that—separately from the question of whether Reveal Chat is a lower-numbered related case than Klein—Kupcho, Dames, and Steinberg are each related to Klein, in that they involve substantially the same parties, property, transaction, or event, and there will be an unduly burdensome duplication of labor and expense if the cases are conducted before different judges.

Thank you,

Brant

Brantley Pepperman

Associate

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From: Gringer, David [<mailto:David.Gringer@wilmerhale.com>]

Sent: Wednesday, December 30, 2020 7:31 PM

To: Stephen Swedlow <stephenswedlow@quinnemanuel.com>

Cc: Brantley Pepperman <brantleypepperman@quinnemanuel.com>; Mehta, Sonal

<Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Jennings, Molly

<Molly.Jennings@wilmerhale.com>; Kevin Teruya <kevinteruya@quinnemanuel.com>; Adam Wolfson

<adamwolfson@quinnemanuel.com>; Michelle Schmit <michelleschmit@quinnemanuel.com>; Ashley

Keller <ack@kellerlenkner.com>; Warren Postman <wdp@kellerlenkner.com>; Ben Whiting

<ben.whiting@kellerlenkner.com>; Jason Ethridge <jason.ethridge@kellerlenkner.com>

Subject: Re: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

Thank you for the clarification. Look forward to reviewing the motion.

Sincerely,

David

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On Dec 30, 2020, at 9:46 PM, Stephen Swedlow

[<stephenswedlow@quinnemanuel.com>](mailto:stephenswedlow@quinnemanuel.com) wrote:

EXTERNAL SENDER

Thanks for considering this request. To clarify, the motion will literally state that we do not take a position on whether Judge Koh should enter an order before Judge Freeman decides the pending motions to relate.

Stephen Swedlow
Managing Partner - Chicago
312-705-7488
Cell 773-610-2512

----- Original message -----

From: "Gringer, David" [<David.Gringer@wilmerhale.com>](mailto:David.Gringer@wilmerhale.com)

Date: 12/30/20 6:12 PM (GMT-06:00)

To: Brantley Pepperman [<brantleypepperman@quinnemanuel.com>](mailto:brantleypepperman@quinnemanuel.com), "Mehta, Sonal" [<Sonal.Mehta@wilmerhale.com>](mailto:Sonal.Mehta@wilmerhale.com), "Holtzblatt, Ari" [<Ari.Holtzblatt@wilmerhale.com>](mailto:Ari.Holtzblatt@wilmerhale.com), "Jennings, Molly" [<Molly.Jennings@wilmerhale.com>](mailto:Molly.Jennings@wilmerhale.com)

Cc: Stephen Swedlow [<stephenswedlow@quinnemanuel.com>](mailto:stephenswedlow@quinnemanuel.com), Kevin Teruya [<kevinteruya@quinnemanuel.com>](mailto:kevinteruya@quinnemanuel.com), Adam Wolfson [<adamwolfson@quinnemanuel.com>](mailto:adamwolfson@quinnemanuel.com), Michelle Schmit [<michelleschmit@quinnemanuel.com>](mailto:michelleschmit@quinnemanuel.com), Ashley Keller [<ack@kellerlenkner.com>](mailto:ack@kellerlenkner.com), Warren Postman [<wdp@kellerlenkner.com>](mailto:wdp@kellerlenkner.com), Ben Whiting [<ben.whiting@kellerlenkner.com>](mailto:ben.whiting@kellerlenkner.com), Jason Ethridge [<jason.ethridge@kellerlenkner.com>](mailto:jason.ethridge@kellerlenkner.com)

Subject: RE: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

[EXTERNAL EMAIL]

Brant,

Thank you for your email.

Please send us a draft copy of your motion when it is ready so that we can evaluate the request in more detail. While you say that your motion will not take a position on whether Judge Koh should enter an order before Judge Freeman decides the pending

motions to relate in front of her, that seems unlikely since you will be asking Judge Koh to enter an order. But we will reserve judgment until we see the motion.

Happy holidays.

Sincerely,

David

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From: Brantley Pepperman <brantleypepperman@quinnemanuel.com>

Sent: Wednesday, December 30, 2020 6:24 PM

To: Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Gringer, David <David.Gringer@wilmerhale.com>; Jennings, Molly <Molly.Jennings@wilmerhale.com>

Cc: stephenswedlow@quinnemanuel.com; Kevin Teruya

<kevinteruya@quinnemanuel.com>; Adam Wolfson

<adamwolfson@quinnemanuel.com>; Michelle Schmit

<michelleschmit@quinnemanuel.com>; Ashley Keller <ack@kellerlenkner.com>;

Warren Postman <wdp@kellerlenkner.com>; Ben Whiting

<ben.whiting@kellerlenkner.com>; Jason Ethridge <jason.ethridge@kellerlenkner.com>

Subject: Request for Stipulation in Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

EXTERNAL SENDER

Counsel,

I am reaching out on behalf of the plaintiffs in the case captioned Klein et al., v. Facebook, Inc., Case No. 5:20-cv-08570-LHK. Northern District of California Local Rule 3-12(b) requires a party to "file in the lowest-numbered case an Administrative Motion to Consider Whether Cases Should Be Related" whenever the party learns that a later-filed action may be related to the earlier-filed action within the meaning of Local Rule 3-12(a). See Civil Local Rule 3-12(b).

Pursuant to Local Rule 3-12(b), the plaintiffs in *Klein*—the "lowest-numbered case"—plan to file an administrative motion to consider whether several later-filed consumer cases—*Kupcho*, *Dames*, and *Steinberg*—should be related to *Klein*. From the papers you have filed to date in connection with the various motions to relate pending before both Judge Freeman and Judge Koh, we understand Facebook's positions to be that:

(1) Judge Koh should defer her ruling on any motion to relate until Judge Freeman decides the motions to relate that are pending before Judge Freeman; and

(2) that *Klein* and the later-filed cases (*Sherman*, *Kupcho*, *Dames*, *Steinberg*, and *Affilious*) are each related to *Reveal Chat*.

The *Klein* plaintiffs obviously disagree as to (2), and the motion we plan to file takes no position as to (1). Given the overlap between *Klein*, *Kupcho*, *Dames*, and *Steinberg*, please let us now if you agree that—separately from the question of whether *Reveal Chat* is a lower-numbered related case than *Klein*—*Kupcho*, *Dames*, and *Steinberg* are each related to *Klein*, in that they involve substantially the same parties, property, transaction, or event, and there will be an unduly burdensome duplication of labor and expense if the cases are conducted before different judges.

Given the holiday, we respectfully request that you let us know whether you will agree to stipulate as outlined above no later than Monday, January 4, 2021 at 12:00 PM (noon) Pacific Standard Time. We anticipate filing the motion later that day.

We look forward to hearing from you and wish you a happy new year.

Brant

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<12485114_6_Klein Plaintiffs_ Motion to Relate Later-Filed Consumer Cases....docx>
<12486165 1 Pepperman Decl. ISO Klein Plaintiffs_ Motion to Relate Later-....docx>
<12487147 2 [PROPOSED] Order Granting Klein Plaintiffs_ Administrative Mo....docx>